

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 10-20225

Plaintiff-Respondent,

Stephanie Dawkins Davis

v.

United States District Judge

ROSSAHN BLACK,

Defendant-Petitioner.

**ORDER TRANSFERRING MOTION (ECF No. 186) TO THE COURT OF
APPEALS FOR THE SIXTH CIRCUIT**

Defendant-Petitioner Rossahn Black has filed a successive motion pursuant to 28 U.S.C. § 2255 based upon claims of actual innocence of his felon in possession of a firearm convictions pursuant to 18 U.S.C. § 922(g) and 18 U.S.C. § 924(a)(2). (ECF No. 186). He also alleges that various procedural defects at the trial and appellate levels led to his convictions. (*Id.*) To file a successive § 2255 petition, Black must seek authorization from the court of appeals: “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” 28 U.S.C. § 2244(b)(3)(A).

Accordingly, the court will transfer Black's motion to the court of appeals. *See In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997) ("[W]hen a second or successive petition for habeas corpus relief or § 2255 motion is filed in the district court without § 2244(b)(3) authorization from this court, the district court shall transfer the document to this court pursuant to 28 U.S.C. § 1631.").

IT IS HEREBY ORDERED that Black's motion (ECF No. 186) is **TRANSFERRED** to the Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C. § 1631.

IT IS SO ORDERED.

Dated: May 7, 2020

/s/ Stephanie Dawkins Davis
Stephanie Dawkins Davis
United States District Judge

CERTIFICATE OF SERVICE

I certify that on May 7, 2020, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system, which will send electronic notification to all counsel of record and I have mailed by United States Postal Service to the following non-ECF participant: Rossahn Black #44054-039, Gilmer Federal Correctional Institution, Inmate Mail/Parcels, P.O. Box 6000, Glenville, WV 26351.

s/Tammy Hallwood
Case Manager